

NATIONAL CANNERS ASSOCIATION



Information Letter



FOR N. C. A. MEMBERS

No. 121

Washington, D. C.

July 18, 1925

CONTENTS

	Page		Page
Official crop reports	9	Provision of cooperative marketing act	
Forecast on 1925 pea pack	10	held unconstitutional	12
Statistics of the canning industry.....	10	Child labor	12
Freight rates	10	Sardine processing studies	13
Renewing trade mark registrations	11	Items of interest to sardine canners.....	13
Argentina requires chemical analysis on		Fish canning in Newfoundland	13
imported foodstuffs	11	Additional Alaska fishery regulations	14
An unjust reflection on the canning in-		Foreign trade in canned foods	14
dustry	11	Digest of N. C. A. Bulletins 99-A to 100-A	
		inclusive	15-16

Official Crop Reports

According to the crop report of the U. S. Department of Agriculture, Bureau of Agricultural Economics, July 9, the season has been unfavorable for fruit products throughout most of the country except on the Pacific Coast. In that region the gain in peaches, pears and grapes over last year is more than sufficient to offset the decrease in the rest of the country and is nearly sufficient to do so in the case of commercial apples.

The entire crop production of apples, indicated by conditions on July 1, is 156,942,000 bushels comparing with the five-year average of 181,000,000 bushels; commercial apples, 29,230,000 bushels, comparing with 30,400,000 bushels; peaches, 46,835,000 bushels, comparing with 46,500,000 bushels; pears, 17,298,000 bushels, comparing with 17,100,000 bushels; and grapes 2,348,477 tons, comparing with 1,777,462 tons in 1924 and 2,227,395 tons in 1923.

Estimates for other fruits are also given as of July 1, except that the figures are a per cent estimate based on 100 per cent for a normal crop. California apricots, 64 per cent; California cherries, 50 per cent; California figs, 86 per cent; California olives, 79 per cent; Florida grapefruit, 78 per cent; Florida pineapple, 85 per cent; California plums, 78 per cent; and California prunes, 65 per cent.

The Department's report of July 9 also contains a detailed estimate by states of the crop conditions and production of apples, peaches and pears.

Forecast on 1925 Pea Pack

The Bureau of Agricultural Economics, U. S. Department of Agriculture has just issued a forecast on the 1925 production of green peas for manufacture as of July 1st in which a comparison is made with 1924 as follows:

	1924	1925
Acreage	21,594 ⁰	220,530
Yield per acre. . .	1.1 tons	.8 tons (est.)
Production . . .	213,900 tons	175,900 tons (est.)

Statistics of the Canning Industry

Under date of July 13th, the Trade Record of the National City Bank of New York released for publication an interesting statement, showing the importance of the canning industry in this country, its rapid growth in recent years, value of raw products used, value of canned products, number of persons and capital employed, etc.

Freight Rates

Under an order issued May 21, 1925, the Interstate Commerce Commission has granted authority to carriers to establish rates on classes and commodities from New Orleans and points taking same rates or arbitraries higher, destinations East and North of Kansas City, Missouri, and West of the Indiana-Illinois line without observing the long and short holding provision of Section 4 of the Interstate Commerce Act, except as to rates on asphalt. The order is designated as "Fourth Section Order 9141".

The Interstate Commerce Commission, on the third of July, issued an order suspending until November 21, 1925, the tariff filed by the Minneapolis, St. Paul and Sault Ste. Marie Railroad containing schedules covering new increased rates on canned goods from Minnesota, Wisconsin, etc., to Eastern Seaboard and Canadian points, which were to become effective on the 24th of July.

The Commission will hold a hearing concerning the lawfulness of the rates proposed at a time and place to be fixed by the Commission. (Investigation and Suspension Docket No. 2451).

The Interstate Commerce Commission has also issued an order suspending until November 26, 1925, proposed changes in freight rates covering fruit and vegetable shipments between Pacific Coast states filed with the Southern Pacific Company. Hearing

on the proposed changes in rates has been assigned for ten o'clock a.m., August 10, at 237 Merchants Exchange, San Francisco, and ten o'clock a.m., August 13, at the Multnomah County Courtroom, Portland, Oregon, both hearings before Examiner Carter. (Investigation and Suspension Docket 2455).

Renewing Trade Mark Registrations

The Honorable T. L. Mead, Jr., Chief Examiner of Trade Marks, in the U. S. Patent Office, calls attention to the importance of renewing trade mark registrations at the proper time. Registrations filed under the Act of February, 1905, and allowed by the Patent Office that year, expire this year, as the Act limits registration to a period of twenty years. Similarly, if your trade mark has been registered in a foreign country, registration also ceases to be in force there.

It is highly important to determine whether your trade mark was registered under the Act of 1881, or the Act of 1905, as the former provided for thirty years, but the latter for only twenty.

When the registration expires under either Act, the trade mark cannot be protected except under the common law. The Federal Courts then have no jurisdiction over cases arising for infringement of the mark. If its registration has expired and it is not renewed, it has no better standing under the law than a similarly used mark that has never been registered.

Attention is called to the fact that renewals are possible only during the last six months of the life of the certificate.

Argentina Requires Chemical Analysis on Imported Foodstuffs

According to a bulletin of the Department of Commerce, a chemical analysis of all foodstuffs imported into Argentina is required with the exception of those that come under the supervision of departments or bureaus of the Government that specialize in agricultural or veterinary branches exclusively. This is covered by a decree of March 16, 1925, and the effect of this decree is merely to put the existing chemical analysis of food products under Federal instead of municipal supervision.

An Unjust Reflection on the Canning Industry

Several eastern newspapers recently gave great publicity to a case of alleged benzol poisoning which was reported in several papers as having occurred in a canning factory. As a matter of fact, upon investigation it was found that the poisoning occurred in connection with the application of rubber compound to can covers in a can-making factory.

Several of the newspaper reports made bad advertising for the canning industry and through the prompt and effective cooperation of one of our members the matter was taken up with the newspapers concerned. They admitted the injustice done by the report as published and promised to be more careful about such statements in the future.

Provision of Cooperative Marketing Act held Unconstitutional

The Supreme Court of Minnesota has recently held that one section of the State Cooperative Marketing Act of 1923 which forbade third parties to buy or handle products under contract to cooperative marketing associations and which provided that such associations could obtain an injunction and recover damages from persons who did so is unconstitutional.

The following quotation from the opinion of the Court is of interest:

"Of course, it is well settled that a malicious interference by one not a party to a contract to induce its breach is a tort for which redress may be had. *Cancellous v. Zotalis*, 145 Minn. 292; *Bacon v. St. Paul Union Stockyards Co.*, 201 N. W. 326. But section 27 does not stop with those who maliciously interfere with existing contracts between third parties. It makes it an actionable wrong for one who has used no effort, or held out no inducement for a member of a cooperative marketing association to breach his contract with the association, except this, that he is ready at his usual place of business to buy or handle products that such member may voluntarily bring there for sale or disposal, the same as for an outsider. In other words, the section attempts to prevent all dealings between members of a cooperative marketing association and outsiders in respect to products contracted for by the association, no matter how free from legal malice or devoid of inducements the conduct of the outsiders may have been, provided they knew that the product was under contract.

"It is interesting to note that the Court of Appeals of Kentucky, on May 1, 1925, in the case of the Liberty Warehouse Company v. the Burley Tobacco Growers' Cooperative Association, sustained the section of the Bingham Cooperative Marketing Act of that state, similar to the one under discussion, thus holding it constitutional."

Child Labor

The following item is taken from a recent bulletin of the Department of Labor:

"The child-labor amendment was ratified by California, Arizona, and Wisconsin and the House of Representatives of New Mexico and of Montana voted in favor of ratification. Arkansas had ratified in 1924. Both houses in 18 states rejected the amendment during 1925 (2 others in 1924); one house in each of 7 other states rejected it (one other in 1924). Authoritative information from other States has not yet been obtained.

"State laws relating to the employment of children are known to have been enacted in only 9 States—California, Massachusetts, New Mexico, New York, Ohio, Tennessee, Texas, Wisconsin, and Wyoming. In New Hampshire, North Carolina, New York, Rhode Island, and Wyoming, bills to raise the standards of State child labor laws were rejected."

Sardine Processing Studies

Members of the Research Laboratory are planning to go up to Maine during the month of August to continue the studies on processing of sardines begun in 1924. They will appreciate the cooperation of our members there in this important work.

Items of Interest to Sardine Cannerymen

The following items are taken from a recent circular of the U. S. Department of Commerce.

"The long period of dullness in the Stavanger fish canneries has been broken and the spring pack of musse sardines begun. The fish are of excellent quality and size, running from 16 to 18 per quarter cans. The stocks of the two-layer musse have been practically exhausted and all factories began packing two-layer musse in olive oil.

"The considerable surplus of brisling sardines, amounting to slightly over 100,000 cases of quarter tins has remained practically stationary. Market conditions for this grade of sardines, which is the most important item for Stavanger packers, remain extremely dull.

"Over 17,000 cases of sardines arrived at Manila, P. I., during June. The June market for sardines is slightly stronger, although a great deal of sacrifice selling continues."

Fish Canning in Newfoundland

Through the Department of Commerce, the Association has received report of an announcement made by the Newfoundland Minister of Finance and Customs that it is the intention of his Government to stimulate the canning of fish products.

It appears that the lobster fishery has been closed for a three-year period. Many of the lobster canners have considerable surplus of cans on hand and are making preparation to go into the canning of salmon for the home and foreign markets. ~~pound-to-can covers in a can-making factory.~~

Additional Alaska Fishery Regulations

The Department of Commerce has just issued the following regulations amending circular No. 251, eleventh edition, issued under date of December 2, 1924, together with subsequent regulations:

COPPER RIVER AREA

Salmon fishery—Fishing for salmon on and after August 10 in each calendar year by means of stake nets generally out from the grassbanks and not exceeding 350 fathoms each in length is permitted, provided that all stakes used in connection therewith shall be removed at or before the end of the fishing season.

On and after August 10 in each calendar year there will be no restrictions as to the amount of fishing apparatus used by each boat.

BERING RIVER AREA

Salmon fishery—Fishing for salmon on and after August 10 in each calendar year by means of stake nets generally out from the grassbanks and not exceeding 350 fathoms each in length is permitted, provided that all stakes used in connection therewith shall be removed at or before the end of the fishing season.

On and after August 10 in each calendar year there will be no restrictions as to the amount of fishing apparatus used by each boat.

Foreign Trade in Canned Foods

The Department of Commerce reports that there is a large and flourishing market in Hankow, China, for American canned products, such as fruits, milk, jams, jellies, etc. It is the opinion of the trade in China that distribution through a local agency is the most successful means open to the importer for reaching the consumer.

Digest of N. C. A. Bulletins 89-A to 100-A, Inclusive

(A supplement to Bulletin 88-A, a digest of the earlier general bulletins of the Association.)

Botulinus investigations—

A summary of the various investigations made on the subject of botulism by the U. S. Public Health Service, University of California, Stanford University, Harvard Medical School, University of Chicago and the Research Laboratory of the National Canners Association, was published in 1922 as Bulletin 89-A, "What Every Canner Should Know". Conclusions and practical recommendations to be drawn from these investigations are also included.

Storage of canned foods—

Suggestions for canners, grocers, distributors and transportation agencies were published in 1922 as Bulletin 90-A, "Storage of Canned Foods".

Census reports—

U. S. Census reports on canned foods for 1921 and 1923 were published as Bulletin 91-A and 98-A, respectively.

Section chairmen now Vice-Presidents—

By action of the Atlantic City Convention in 1923, chairmen of all commodity sections of the Association may be appointed vice-presidents of the Association. See Bulletin 92-A.

Announcements of the U. S. Bureau of Chemistry—

The following subjects are covered by Service and Regulatory Announcement of the Bureau of Chemistry, which were published in National Canners Association Bulletin 92-A (1923):

- Item 381—Returned spoiled foods
- Item 386—Green Lima Beans
- Item 387—"Maine Style" canned corn
- Item 388—"Petit Pois" peas
- Item 389—Labeling soaked dry peas and lima beans
- Item 380—Weights of spinach in cans of various sizes
- Item 379—Declaration of net weights on canned clams and canned oysters
- Item 390—Notice to packers of tuna and similar fish
- Item 392—Labeling mustard preparations
- Item 393—Salad oil

Implied guaranty in sales of canned foods—

Bulletin 92-A contains the full text of a decision of the Supreme Court of Massachusetts, involving the liability of a canner or distributor for the sale of canned foods, which were said to have contained a foreign substance.

Railroad transportation problem.

A letter from Secretary of Commerce Hoover to National and State Trade Associations on the subject of cooperation between shippers and the railways in the efficient use of railway facilities was published in National Canners Association Bulletin 92-A (1923).

Italian Decree covering manufacture and labeling of food products—

See Bulletin 92-A (1923)

Certificate on bills of lading—

In Bulletin 92-A attention is called to possible saving in freight, if canners, using fibre cases, can certify on bills of lading that such cases comply with specifications and requirements of the Consolidated Freight Classification.

Sanitary Code of the National Canners Association—

See Bulletin 93-A (1923)

Regional Warehouse plan for handling swell claims—

Bulletin 94-A (1923) outlines the plan developed by the Association for investigating and handling swell claims between canner and distributor.

Popular canned food bulletins—

Beginning with a popular bulletin on canned corn, published in 1923, the Association has now published five other similar bulletins on the preparation, nutritive value and use of canned foods. These include, in addition to the one on corn, bulletins on the following subjects: "Nutritive Value of Canned Foods", No. 95-A; "Canned Fruits", 96-A; "Canned Tomatoes and Tomato Products", 97-A; "Canned Peas", 99-A; and "The Canning of Foods and Some Tested Recipes", 100-A.

Opinions of eminent men on the value of canned foods—

In addition to some testimonials from distinguished men, published in Bulletin 95-A, an address by Sir William Willcox testifying to the wholesomeness and value of canned foods in feeding the allied armies during the Great War, was published as a bulletin of the Association in 1924.